

REMARKS

Claims 42-79 were previously allowed, but changes thereto are being made herein to put them in better form for allowance.

While the undersigned believes that amended claims 80, 90 and 96 are patentable for the reasons given in the response filed May 23, 2005 as discussed with Examiner Katcheves on June 15, 2005, an attempt herein is being made to further distinguish these claims from the prior art so that the application can be passed to issue. *The REMARKS section of said response filed May 23, 2005 is incorporated herein by reference.*

The substantially planar member 50 of Hanson is not “disposed in a plane substantially parallel to said front planar surface of the first and second backing members” as claimed in claims 90 and 96 or “the first substantially planar structure being disposed in a plane substantially parallel to said first plane.” of claim 80 (the first plane being defined as the front side of the first and second backing members) in claim 80. In the proposed new claim 80 the “first substantially planar structure” that is substantially parallel with the front planar surface of the first backing member is also claimed as “spanning between” the first and second backing member. This doesn’t read on any part of element 50 of Hanson and not on tabs 31, 32 of Fig. 5 or tabs 131, 132 of Fig. 6 of Hanson, which tabs are not parallel to the front planar surface of what has erroneously been called “backing” members 96 or 91 in the Final Office Action.

While Hunter, U.S. Pat. No. 4,237,669, was not used in the final rejection, Ex. Katcheves brought it up as an issue in a telephonic conference with the undersigned on June 15, 2005.

The seam eliminator structure 4 shown in Fig. 4 of Hunter (U.S. Pat. No. 4,237,669) is NEVER disclosed by Hunter to be used side by side with another seam eliminator structure 4 just like it. Hunter discloses one above another seam eliminator structure 4, but never another seam eliminator structure 4 attached to the left of stud 2A or connected to the right side of stud 2 as shown in Fig. 2 of Hunter. Hunter has 4' x 12' sheetrock/wallboard sheets and studs typically arranged 16" or 24" center to center, so, among other things, it does not have this language of claim 90: "a first substantially planar structure operatively attached to the first and second backing members and spanning therebetween" (emphasis added).

Hunter does not disclose claimed structure recited in claim 96: "a first backing member sized to be received in the first space and extend between the first and second upright studs, said first backing member having a front planar surface on the front side thereof;

a second backing member sized to be received in the second space and extend between the second and third upright studs, said second backing member having a front planar surface on the front side thereof;" because it would require that Hunter have a "seam eliminator 4 of his Fig. 2 immediately to the left of stud 2A or immediately to the right of stud 2.

Regarding claim 80, the following language has been added "and wherein the predetermined distance is approximately the width of a portion of the second upright stud to which the first and second backing members are to be attached" to make it clearer that claim 80 does not read on Hunter's seam eliminator structure 4 ("a first backing member") shown in his Fig. 4 and another one of Hunter's seam eliminator structures 4

(call it "a second backing member") if one were to consider the second one of Hunter's seam eliminator structure 4 spaced from and attached to a different stud to the left of stud 2A or to the right of stud 2. It is important to remember that Hunter does not contemplate having one of the seam eliminator structures 4 side by side with another one, for the reasons given above in the initial discussion of the Hunter apparatus.

New claim 98 is similar to original claim 39 with additional limitations but without a vertical groove.

New claims 99-113 have been added to better claim the invention.

Accordingly, since all of the remaining claims 42, 43, 45-49, 51-66, and 68-113 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

Daniel W. TOLLENAAR

By:


Michael O. Sturm
Reg. No. 26,078

STURM & FIX LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076
Phone: 515-288-9589
Fax: 515-288-4860